


<b>TRANSMITTAL OF APPEAL BRIEF (Large Entity)</b>					Docket No. <b>FIS920000011US2</b>	
In Re Application Of: <b>Carl J. Radens et al.</b>						
Application No. <b>09/873,537</b>	Filing Date <b>June 4, 2004</b>	Examiner <b>Monica Lewis</b>	Customer No. <b>32074</b>	Group Art Unit <b>2812</b>	Confirmation No. <b>4948</b>	
Invention: <b>Dual Damascene Anti-Fuse with Via Before Wire</b>						
<b><u>COMMISSIONER FOR PATENTS:</u></b>						
Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on August 8, 2004						
The fee for filing this Appeal Brief is: <b>\$340.00</b>						
<input type="checkbox"/> A check in the amount of the fee is enclosed.						
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.						
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <b>09-0458 FI-308</b>						
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.						
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
 _____ <i>Signature</i>			Dated: 10/18/04			

Steven Capella  
Registration No. 33,086  
Telephone No. 845-894-3669  
Fax No. 845-892-6363

CERTIFICATION OF FACSIMILE TRANSMISSION:  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO THE USPTO ON THE DATE SHOWN BELOW:  
Date of Transmission: 10-18-04  
Name of Person Making Facsimile Transmission:

Signature: *Nicole Burrese*  
*10/18/04*  
*10119104 JB*

I hereby certify that this correspondence is being deposited by FACSIMILE to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 18, 2004 by Nicole Barrese.

Nicole Barrese 10-15-04  
10118104 *if*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit 2822

**RECEIVED**  
**CENTRAL FAX CENTER**

**OCT 18 2004**

<u>In re application of</u>	:	October 18, 2004
Carl J. Radens et al.	:	Examiner: Monica Lewis
Serial No. : 09/873,537	:	Confirmation No.: 4948
Filed: June 4, 2001	:	IBM Corporation
	:	Dept. 18G/Bldg, 300-482
Title: DUAL DAMASCENE ANTI-FUSE	:	2070 Route 52
WITH VIA BEFORE WIRE	:	Hopewell Junction, NY
	:	12533-6531

**APPEAL BRIEF**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an appeal from the Final Rejection of claims 22-30. A correct copy of the claims is attached in the Appendix.

**Real Party in Interest**

The real parties in interest are International Business Machines Corporation per an assignment recorded in the US Patent and Trademark Office at Reel/Frame: 011199/0187 on October 16, 2000 and Infineon Technologies North America Corp. per an assignment recorded in the US Patent and Trademark Office at Reel/Frame: 011198/0060 on October 16, 2000.

**Related Appeals and Interferences**

None.

**Status of Claims**

Claims 22-30 are pending.

**Status of Amendments**

No amendments after Final Rejection have been submitted.

**Summary of the Claimed Subject Matter**

The invention centers on novel interconnect structures having an anti-fuse formed as a layer having openings that define via locations. The structures of the invention advantageously incorporate anti-fuses at reduced manufacturing cost. See the specification at page 4, lines 10-29, Figures 2e, 2f and 3.

**Grounds of Rejection to be Reviewed on Appeal**

1. Claims 22, 23, 26, 27, 29 and 30 are rejected under 35 USC 102(b) as being anticipated by Dixit et al. (US Pat. 5233217).
2. Claim 24 is rejected under 35 USC 103(a) as being obvious over Dixit et al. (US Pat. 5233217) in view of Chang (US Pat. 5807786).

3. Claim 25 is rejected under 35 USC 103(a) as being obvious over Dixit et al. (US Pat. 5233217) in view of Go et al. (US Pat. 5592016).
4. Claim 28 is rejected under 35 USC 103(a) as being obvious over Dixit et al. (US Pat. 5233217) in view of Shroff et al. (US Pat. 6515343).

#### Argument

1. Claims 22, 23, 26, 27, 29 and 30 are rejected under 35 USC 102(b) as being anticipated by Dixit et al. (US Pat. 5233217).

Dixit et al. (US Pat. 5233217) discloses conventional anti-fuse structures where the antifuse material is deposited into formed vias. Dixit et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via locations and is also an antifuse. Appellants specifically note that layer 11 of Figure 1 G does not form part of an antifuse path.

For these reasons, appellants submit that Dixit et al. does not anticipate the appealed claims.

2. Claim 24 is rejected under 35 USC 103(a) as being obvious over Dixit et al. (US Pat. 5233217) in view of Chang (US Pat. 5807786).

Dixit et al. (US Pat. 5233217) discloses conventional anti-fuse structures where the antifuse material is deposited into formed vias. Dixit et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via

locations and is also an antifuse. Appellants specifically note that layer 11 of Figure 1 G does not form part of an antifuse path.

Chang et al. (US Pat. 5807786) discloses antifuse structures using various antifuse materials. Chang et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via locations and is also an antifuse. Appellants submit that the combination of the teachings of Dixit et al. and Chang et al. would still result in a structure lacking antifuse layer which defines interconnect via locations and is also an antifuse.

For these reasons, appellants submit that the combination of Dixit et al. with Chang et al. does not render the appealed claim obvious.

3. **Claim 25 is rejected under 35 USC 103(a) as being obvious over Dixit et al. (US Pat. 5233217) in view of Go et al. (US Pat. 5592016).**

Dixit et al. (US Pat. 5233217) discloses conventional anti-fuse structures where the antifuse material is deposited into formed vias. Dixit et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via locations and is also an antifuse. Appellants specifically note that layer 11 of Figure 1 G does not form part of an antifuse path.

Go et al. (US Pat. 5592016) discloses anti-fuse structures which are located above or below vias. Go et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via locations and is also an antifuse. Appellants submit that the combination of Go et al. with Dixit et al. would only result in conventional antifuses of Go et al. being formed in combination with damascene interconnect structures.

For these reasons, appellants submit that the combination of Dixit et al. with Go et al. does not render the appealed claim obvious.

4. **Claim 28 is rejected under 35 USC 103(a) as being obvious over Dixit et al. (US Pat. 5233217) in view of Shroff et al. (US Pat. 6515343).**

Dixit et al. (US Pat. 5233217) discloses conventional anti-fuse structures where the antifuse material is deposited into formed vias. Dixit et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via locations and is also an antifuse. Appellants specifically note that layer 11 of Figure 1 G does not form part of an antifuse path.

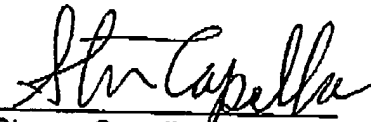
Shroff et al. (US Pat. 6515343) discloses various antifuse structures and materials. Shroff et al. does not disclose or suggest or suggest an antifuse layer which defines interconnect via locations and is also an antifuse. Appellants submit that the combination of Shroff et al. with Dixit et al. would only result in conventional antifuses of Shroff et al. being formed in combination with damascene interconnect structures.

For these reasons, appellants submit that the combination of Dixit et al. with Shroff et al. does not render the appealed claim obvious.

**Conclusion**

Based on the above arguments, appellants submit that the present claims are patentable over the prior art of record that the rejections under 35 USC 102(b) and 35 USC 103(a) should be reversed.

Respectfully submitted,  
Carl J. Radens et al.

By   
Steven Capella, Attorney  
Reg. No. 33,086  
Telephone: 845-894-3669